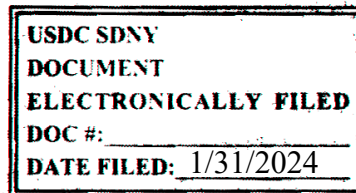


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENISE ANDERSON,

Plaintiff,

21-CV-01952 (RA)(SN)

-against-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----X

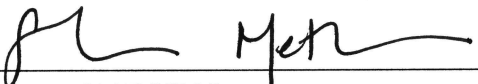
SARAH NETBURN, United States Magistrate Judge:

On January 4, 2024, the plaintiff filed a motion for an award of attorney’s fees pursuant to 42 U.S.C. § 406(b)(1)(A). ECF No. 26. The plaintiff’s counsel seeks 25% of past-due disability benefits, which is \$21,601.48.¹ The Commissioner defers as to whether that amount is reasonable, but requests that the Court not issue an order directing that the Commissioner “pay” that amount. ECF No. 31. According to the Commissioner, the “fee authorization by the Court is separate and distinct from the Commissioner’s withholding and direct payment obligations.” The Commissioner continues that it “withholds up to 25 percent of a claimant’s past-due benefits for possible direct payment of attorney’s fees for both agency representation (section 406(a) awards) and court representation (section 406(b) awards).” Plaintiff filed a reply letter objecting to the Commissioner’s proposed language to the extent it “enables defendant to neglect his responsibility to withhold from plaintiff’s past-due benefits the fee the Court may award and to pay such amount to plaintiff’s counsel.”

¹ Plaintiff’s counsel agrees to reimburse the plaintiff for EAJA fees previously received.

The Court finds that the fee sought is reasonable. But the Court is unable to discern if there is actually a substantive dispute between the parties. Accordingly, by Friday, February 2, 2024, the parties shall either file a joint stipulation as to the award of attorney's fees to the Honorable Ronnie Abrams, or appear for a telephone conference at 4:00 p.m. to further discuss the parties' positions. At that time, the parties should call the Court's dedicated teleconferencing line at (877) 402-9757 and enter Access Code 7938632, followed by the pound (#) key. If the stipulation is filed before 4:00 p.m., the parties may assume that the conference is adjourned.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: January 31, 2024
New York, New York